

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY BARTONE,	:	CIVIL ACTION NO. 1:15-CV-2142
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MICHAEL OVERMYER,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 26th day of July, 2016, upon consideration of the report (Doc. 17) of Chief Magistrate Judge Martin C. Carlson, recommending that the court dismiss the *pro se* petition (Doc. 1) for writ of habeas corpus by petitioner Gary Bartone (“Bartone”) for failure to exhaust state court remedies, and it appearing that Bartone did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent

review of the record, the court in agreement with Judge Carlson's recommendation, and concluding that there is no clear error on the face of the record, it is hereby

ORDERED that:

1. The report (Doc. 17) of Chief Magistrate Judge Carlson is ADOPTED.
2. Bartone's petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice.
3. The court finds no basis to issue a certificate of appealability. See R. GOVERNING SECTION 2254 CASES R. 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania